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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,439

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Cheng-Chung Hsu

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

LEVI, DAMEON E

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,439

Applicant(s)

HSU, CHENG-CHUNG

Examiner

Dameon E Levi

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1,4,and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by
Funck et al US Patent 5502620.**

Regarding claim 1, Funck et al discloses an apparatus comprising:

a first hook at one end, a second hook at the other end both fastened at a substantially parallelepiped case of an electronic device, and an arcuate support section between the first and the second hooks, wherein the support section fits onto an edge of the motherboard when the motherboard is secured to the case of the electronic device by the support mechanism(for example, see elements 52,60,62,22, Figs 1-6).

Regarding claim 4, Funck et al discloses wherein the support section of the support mechanism comprises an upper end slanted upward so that a large opening of the support section is obtained for facilitating a fitting of the edge of the motherboard into the support section(for example, see elements 58, Figs 1-6).

Regarding claim 8, Funck et al discloses wherein the support mechanism is of metal material formed integrally(for example, see column 4, lines 25-30)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funck et al US Patent 5502620 in view of the Admitted Prior Art ("Background of the Invention", page 1, lines 8 – 25).

Regarding claim 2, Funck et al discloses the instant claimed invention except wherein the motherboard comprises a plurality of elongated channels each having a large, circular, and central hole, and further comprising a plurality of post-like snapping members on a bottom of the case of the electronic device, the snapping members being adapted to correspond the holes, each of the snapping members comprising a round head, a neck having a smaller diameter, and a base coupled to the bottom of the case of the electronic device wherein in assembling the motherboard in the case of the electronic device, cling the hole of the channel of the motherboard onto the neck of the snapping member, and move the motherboard toward one side until the neck of the snapping member is tightly fitted at one end of the channel for fastening the motherboard in the case; and in detaching the motherboard from the case of the electronic device for maintenance, move the motherboard to align the hole of the channel with the head of the snapping member prior to

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detaching the motherboard from the case of the electronic device.

The Admitted Prior art teaches an apparatus wherein the motherboard comprises a plurality of elongated channels each having a large, circular, and central hole, and further comprising a plurality of post-like snapping members on a bottom of the case of the electronic device, the snapping members being adapted to correspond the holes, each of the snapping members comprising a round head, a neck having a smaller diameter, and a base coupled to the bottom of the case of the electronic device wherein in assembling the motherboard in the case of the electronic device, align the hole of the channel of the motherboard onto the neck of the snapping member, and move the motherboard toward one side until the neck of the snapping member is tightly fitted at one end of the channel for fastening the motherboard in the case; and in detaching the motherboard from the case of the electronic device for maintenance, move the motherboard to align the hole of the channel with the head of the snapping member prior to detaching the motherboard from the case of the electronic device (for example, see Fig 1, see "Background of the Invention", page 1, lines 8 – 25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a motherboard as taught by APA in the apparatus as taught by Funck et al as such arrangements are conventional in the art.

Moreover, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138.

Additionally, the recitation of [**wherein in assembling the motherboard in the case of the electronic device, cling the hole of the channel of the motherboard onto the neck of the snapping member, and move the motherboard toward one side until the neck of the snapping member is tightly fitted at one end of the channel for fastening the motherboard in the case; and in detaching the motherboard from the case of the electronic device for maintenance, move the motherboard to align the hole of the channel with the head of the snapping member prior to detaching the motherboard from the case of the electronic device**] is a method limitation in an apparatus claim and cannot serve to patentably define the product over the prior art of record [Funck et al, APA]; [see Product –by-process, MPEP 2113 and 2173.05(p)]

It is well settled that the presence of method limitations in product claims, which product does not otherwise distinguish over the prior art, cannot impart patentability to that product.(In re Johnson, 157 USPQ 670, 1968).

Regarding claim 3, Funck et al discloses the instant claimed invention except further comprising a plurality of apertures at sides and corners of the case of the electronic device, the apertures being adapted to correspond to and mate with the first and the second hooks of the support mechanism wherein in assembling the motherboard in the case of the electronic device, snap the first hook into one of two adjacent apertures and snap the second hook into the other one of the adjacent apertures, thereby securing the support mechanism to the case of the electronic device.

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The Admitted Prior art teaches an apparatus comprising a plurality of apertures at sides and corners of the case of the electronic device, (for example, see Fig 1, see "Background of the Invention", page 1, lines 8 – 25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a plurality of apertures as taught by APA in the apparatus as taught by Funck et al as such arrangements are conventional in the art.

Moreover, it has been held that the recitation that an element is "adapted to" (**the apertures being adapted to correspond to and mate with the first and the second hooks of the support mechanism**) perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138.

Additionally, the recitation of [**the apertures being adapted to correspond to and mate with the first and the second hooks of the support mechanism wherein in assembling the motherboard in the case of the electronic device, snap the first hook into one of two adjacent apertures and snap the second hook into the other one of the adjacent apertures, thereby securing the support mechanism to the case of the electronic device**] is a method limitation in an apparatus claim and cannot serve to patentably define the product over the prior art of record [Funck et al, APA]; [see Product –by-process, MPEP 2113 and 2173.05(p)]

It is well settled that the presence of method limitations in product claims, which product does not otherwise distinguish over the prior art, cannot impart patentability to that product (In re Johnson, 157 USPQ 670, 1968).

**Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funck et al
US Patent 5502620 in view of Rumney US Patent 6752276**

Regarding claim 6, Funck et al discloses wherein the support mechanism is of plastic material formed integrally and has a predetermined flexibility.

Rumney discloses an apparatus wherein the support mechanism is of plastic material formed integrally (for example, see element 7, Figs 1-4, see column 5, lines 16-18).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the support mechanism from plastic as taught by Rumney in the apparatus as taught by Funck et al as such materials are conventional in the art.

**Claims 7 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Funck et al US Patent 5502620**

Regarding claim 7, Funk et al does not teach wherein the electronic device is an industrial computer. However, it is the position of the Office that industrial computers are known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the elements of the claimed invention as taught by Funck et al into an industrial computer.

Regarding claim 9, Funk et al does not teach wherein the electronic device is a cellular phone. However, it is the position of the Office that industrial computers are known in the art, therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have incorporated the elements of the claimed invention as taught by Funck et al into a cellular phone.


Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TULSIDAS PATEL
PRIMARY EXAMINER

Dameon E Levi